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PTO/SB/21 (09-04)

TRANSMITTAL FORM

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Total Number of Pages in This Submission	3	Attorney Docket Number	020714-002410US
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	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Chris J. Ullsperger		
Date	December 21, 2005	Reg. No.	48,006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Patricia A. Balero
Date	December 21, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BENNETT and CHEN

Application No.: 10/811,028

Filed: March 25, 2004

For: METHODS OF TREATING
XEROSTOMIA AND
XEROPHTHALMIA

Confirmation No. 9644

Examiner: Kelly, Robert M.

Art Unit: 1633

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed November 21, 2005, Applicants elect, with traverse, to prosecute the claims of Group I, claims 2-23 and 34, drawn to a method of attenuating increases in radiation-induced free radicals or superoxide anions in a mammalian cell, comprising the administration of at least one nucleic acid encoding at least one protein, a plurality of salivary gland cells comprising nucleic acids, and specific nucleic acids utilized in the methods.

Applicants also elect the following species for Examination, per the Examiner's request:

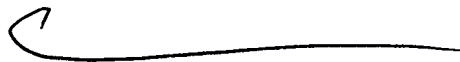
- (a) manganous superoxide dismutase;
- (b) SEQ ID NO.1 (encoding pMB1-MnSOD);
- (c) administration prior to irradiation of a salivary cell.

The foregoing election is made with traverse. Examination of the subject matter recited in the claims of Groups I and IV together would not place a substantially greater burden on the Examiner. Both groups are in the same art class (514/44) and searching and examining the relevant art for both groups of claims should not pose substantial additional burdens on the Examiner. Accordingly, Applicants respectfully request the Examiner to withdraw the Restriction Requirement and to consider Groups I and IV together in the present case.

Moreover, Applicants submit that the species elections are unreasonably limiting. Applicants also can discern no reason for the Examiner to limit Examination solely to either expression of the vector "prior to" irradiation versus "after" irradiation, or solely to a single type of cell, at this stage of prosecution. Examining those species concurrently would not create undue burdens for the Examiner.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5004.



Chris J. Ullsperger
Reg. No. 48,006

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
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